

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT CHATTANOOGA

FRANKLIN SEAN SMITH,

*Petitioner,*

v.

JASON CLENDENION,

*Respondent.*

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No. 1:23-CV-73-CLC-CHS

**JUDGMENT ORDER**

In accordance with the Memorandum Opinion entered today, Petitioner's federal habeas petition is **DISMISSED WITHOUT PREJUDICE**. A certificate of appealability from this decision is **DENIED**.

Because the Court **CERTIFIED** that any appeal from this action would not be taken in good faith and would be totally frivolous, Petitioner is **DENIED** leave to proceed *in forma pauperis* on any subsequent appeal. Fed. R. App. P. 24.

**SO ORDERED.**

**ENTER:**

/s/

**CURTIS L. COLLIER**  
**UNITED STATES DISTRICT JUDGE**

ENTERED AS A JUDGMENT

*s/ LeAnna R. Wilson*

CLERK OF COURT